

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Robert Alfiero v Macomb Circuit Judge**

Docket No. **287083**

L.C. No. **99-003286 FC**

Henry William Saad, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The complaint filed by plaintiff is DISMISSED for lack of jurisdiction. The request to have his judgment of sentence vacated based on an alleged violation of the plea agreement can only be raised by a motion for relief from judgment. See MCR 6.501. The fact that plaintiff has already exhausted his ability to file a motion for relief from judgment under MCR 6.502(G)(1), see No. 275418, does not mean that the plaintiff can file an original complaint. See *In Re People v Burton*, 429 Mich 133, 135, 142 (1987).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 25 2008

Date

Sandra Schultz Mengel

Chief Clerk